

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING INDEPENDENT CONTRACTOR LAWS; PROVIDING DEPARTMENT ANALYSIS ~~IN THE EVENT OF MISREPRESENTATIONS~~ RELATING TO INDEPENDENT CONTRACTOR STATUS; AMENDING SECTIONS 39-51-203, 39-71-417, AND 39-71-419, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Independent contractor ~~misrepresentations~~. (1) The employment status of a person is determined by ~~this subsection~~ (2) ~~if the person does not have an independent contractor exemption certificate and:~~

(a) the person represents to a hiring agent that they have an independent contractor exemption certificate ~~and is required by 39-71-417 to have the certificate; and~~

~~(b) one of the following occurs:~~

(b) the person applied for an independent contractor exemption certificate prior to the event triggering A departmental investigation;

(c) the person provided the hiring agent a forged independent contractor exemption certificate;

(d) the hiring agent contacted the department and was informed the person was an independent contractor;

(e) the person's independent contractor exemption certificate expires during the working relationship; or

(f) the person ~~fraudulently~~ induced the hiring agent to commence the working relationship based upon the worker's status as an independent contractor.

(2) ~~If the person's status is not conclusively determined because of subsection (1),~~ The department shall investigate whether, as to the particular hiring agent:

(a) the person was free from direction and control in the performance of services; and

(b) the person was engaged in an independently established trade, occupation, profession, or business.

(3) A person found to meet the requirements of subsection (2)(a) and (2)(b) is an independent contractor.